

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2238**

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**Introduced by Assembly Member Coto**

February 18, 2010

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An act *to amend Section 8657 of, and to add Section 8591.5 to, the Government Code, relating to ~~emergency services: earthquakes.~~*

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, as amended, Coto. ~~Emergency services: California Earthquake Prediction Evaluation Council.~~

~~The California Emergency Services Act establishes the California Emergency Management Agency within the office of the Governor, under the supervision of the Secretary of California Emergency Management. The act provides that it does not prevent the Governor or the secretary from formally recognizing committees or boards established by or with segments of the private sector or public agencies that control facilities, resources, or the provision of services essential to the mitigation of the effects of an emergency or recovery from an emergency.~~

*Existing law references the California Earthquake Prediction Evaluation Council, as an advisory council, with specific roles and immunities with regard to advising the Governor on the prediction of earthquakes.*

This bill would *specifically* ~~establish in the agency~~ the California Earthquake Prediction Evaluation Council *as an advisory council within the California Emergency Management Agency*. The bill would require that the council, in conjunction with the ~~California Integrated Seismic Network~~ State Geologist, review earthquake *and volcanic* predictions

and forecasts, *as specified*, and advise the Governor *accordingly*. *This bill would also recast existing provisions regarding the council and make technical changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8591.5 is added to the Government Code,  
2 to read:

3 8591.5. (a) There is established in the California Emergency  
4 Management Agency the California Earthquake Prediction  
5 Evaluation Council *as an advisory council*.

6 ~~(b) The council shall be composed of \_\_\_\_.~~

7 ~~(c) In conjunction with the California Integrated Seismic~~  
8 ~~Network,~~

9 *(b) The council shall be composed of members of the scientific,*  
10 *academic, and public safety community, selected for their expertise*  
11 *and experience by the Secretary of California Emergency*  
12 *Management.*

13 *(c) In consultation with the State Geologist, the council shall*  
14 *review earthquake predictions and forecasts and advise the*  
15 *Governor of those earthquake and volcanic predictions and*  
16 *forecasts having scientific validity.*

17 *(d) The council shall review and consider the efficacy of the*  
18 *scientific or engineering systems, technologies, and methodologies*  
19 *with respect to earthquake prediction, earthquake early warning,*  
20 *and risk reduction methodologies, and make recommendations to*  
21 *the Governor based on that review.*

22 ~~(d)~~

23 *(e) Members of the council shall not be compensated for their*  
24 *service on the council, and shall be entitled to receive actual and*  
25 *necessary expenses incurred in the performance of their duties.*

26 SEC. 2. Section 8657 of the Government Code is amended to  
27 read:

28 8657. (a) Volunteers duly enrolled or registered with the ~~Office~~  
29 ~~of Emergency Services~~ *California Emergency Management Agency*  
30 *or any disaster council of any political subdivision, or unregistered*  
31 *persons duly impressed into service during a state of war*  
32 *emergency, a state of emergency, or a local emergency, in carrying*

out, complying with, or attempting to comply with, any order or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work for their respective entities.

(b) No political subdivision or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for emergency preparedness or relief activity, or by any unregistered person duly impressed into service during a state of war emergency, a state of emergency, or a local emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

(c) The *members of the California Earthquake Prediction Evaluation Council*, ~~an advisory committee established pursuant to Section 8590 of this chapter, may advise the Governor of the existence of an earthquake or volcanic prediction having scientific validity. In its established pursuant to Section 8591.5, during the council's review, hearings, deliberations, or other validation procedures, members of the council, jointly and severally,~~ shall have, *jointly and severally*, the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions engaged in similar work in their respective entities. Any person making a presentation to the council as part of the council's validation process, including presentation of a prediction for validation, shall

- 1 be deemed a member of the council until the council has found
- 2 the prediction to have or not have scientific validity.

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